

#356
1 BILL NO. Z-88-0777

2 ZONING MAP ORDINANCE NO. Z-


3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. R-14.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
6 FORT WAYNE, INDIANA:

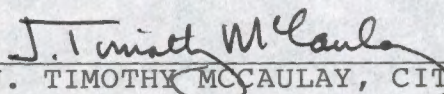
7 SECTION 1. That the area described as follows is hereby
8 designated a B-1-B (Limited Business) District under the
9 terms of Chapter 33 of the Code of the City of Fort Wayne,
10 Indiana of 1974:

11 Lot #2 in Pavey's Subdivision to the City of Fort
12 Wayne, Indiana,
13 and the symbols of the City of Fort Wayne Zoning Map No. E-
14 2, as established by Section 11 of Chapter 33 of the Code of
15 the City of Fort Wayne, Indiana are hereby changed
16 accordingly.

17 SECTION 2. That this Ordinance shall be in full force
18 and effect from and after its passage and approval by the
19 Mayor.

20 
Councilmember

21 APPROVED AS TO FORM AND LEGALITY:

22 
J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Redd, seconded by Long, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 7-12-88, the 7 o'clock PM, E.S.T.

DATE: 7-12-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Bradbury, seconded by Redd, and duly adopted, placed on its passage. ~~PASSED~~ LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>STIER</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

DATE: 10-25-88

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as ~~(ANNEXATION)~~ (APPROPRIATION) ~~(GENERAL)~~ (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-18-88 on the 25th day of October, 1988,

ATTEST:

SEAL

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Thomas C. Henry
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 26th day of October, 1988, at the hour of 11:00 o'clock PM, E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 27th day of October, 1988, at the hour of 3:20 o'clock P.M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

No 2785

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., 6-14 1988

RECEIVED FROM

Beverly Sales Corp

\$ 50.00

THE SUM OF

fifty

100

DOLLARS

ON ACCOUNT OF

repairing 5809 Allgas

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

THIS IS TO BE FILED IN DUPLICATE

I/We Dwight L., and Marilyn M. Umber
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B1B District the property described as follows:

Lot # 2 in Pavey's Subdivision to the City of Fort Wayne, Indiana

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 5809 Illinois Road 46804

(General Description for Planning Staff Use Only)

482-4208

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

DWIGHT L. UMBER

9824 IRON BRIDGE, ROANOKE

MARILYN M. UMBER

9824 IRON BRIDGE, ROANOKE
46783

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$50.00)

Name and address of the preparer, attorney or agent.

BSC,
(Name)

4905 Speedway Dr. Fort Wayne, Indiana 46825
(Address & Zip Code)

219-489-1571
(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Lot # 2 in Pavey's Subdivision of the City of Fort Eayne, Indiana

Owners of Property

Dwight L. Umber	9824 Iron Bridge	Fort Wayne, Ind	46783
Marilyn M. Umber	9824 Iron Bridge	Fort Wayne, Ind	46783
(Name)	(Address)	(Signature)	

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE

This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST "OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.

FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING FROM BEING HELD.

ZOHRAB K. TAZIAN, PE & LS
president
JERRY K. WALKER, PE & LS
vice-president

zk tazian

ASSOCIATES INC.
710 S BAHR ST.
FT. WAYNE, IN. 46802
219-743-0003
219-422-5353

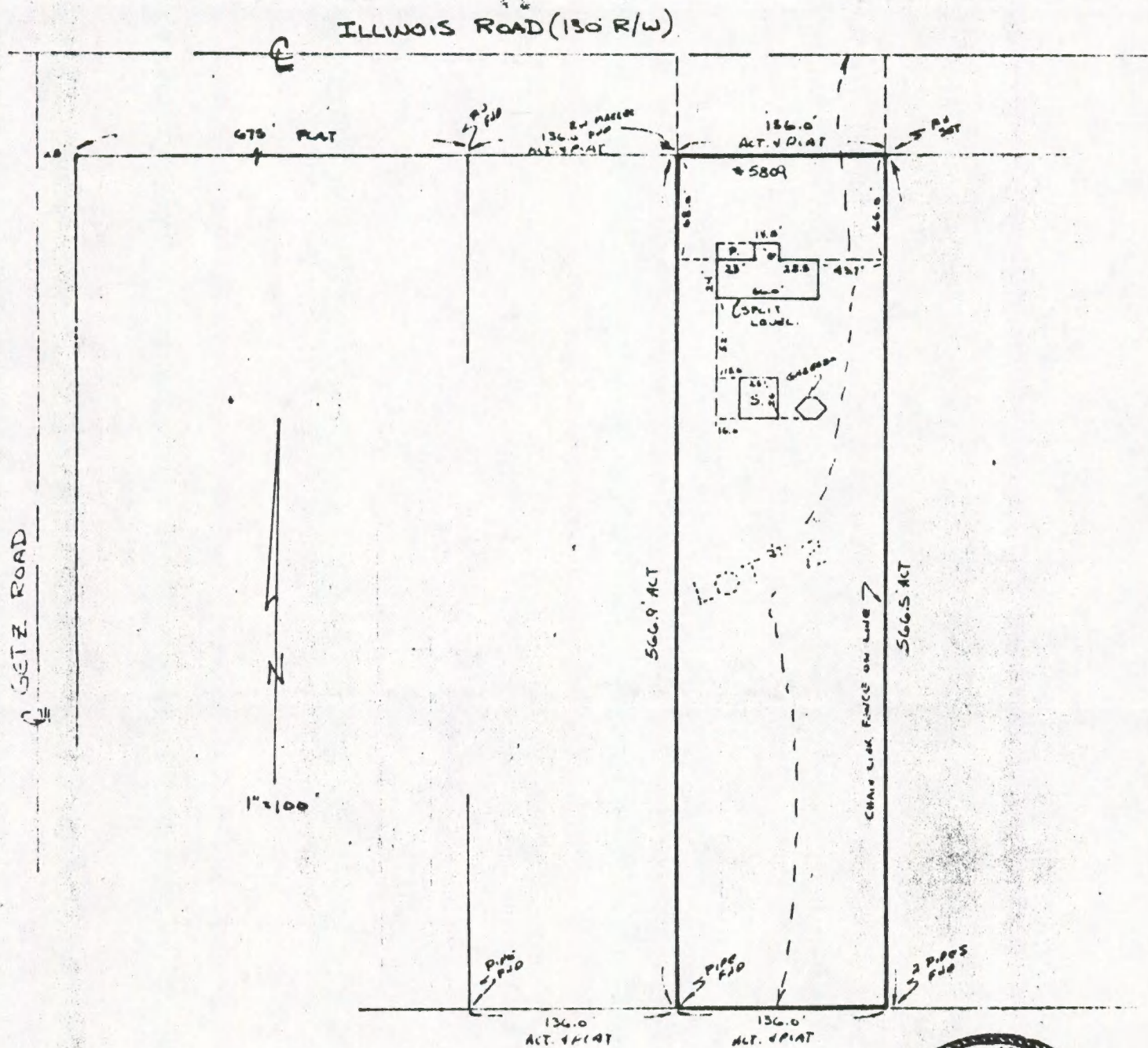
CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

DESCRIPTION OF REAL ESTATE

LOT #2 in Pavey's Subdivision to the City of Fort Wayne, Indiana.

This property is not in a special flood hazard area as defined by the FIA Flood Hazard Boundary Map No. 4-1-77, effective Jan. 30, 1977.



I hereby certify on the 10th day of August, 19 79 that the above survey is correct.

Surveyed for: Edward Walker
Survey No.: 61-159

Zohrab K. Tazian

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 12, 1988 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-88-07-17; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on July 18, 1988.

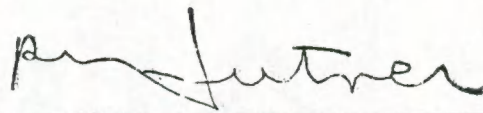
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held July 25, 1988.

Certified and signed this
13th day of October 1988.



Robert Hutner
Secretary

hold for
Oct 25
Do

BILL NO. Z-88-07-17

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) amending the City
of Fort Wayne Zoning Map No. R-14

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~) Do Pass

YES

NO

Janet G. Bradbury
Mark E. GiaQuinta

JANET G. BRADBURY
CHAIRPERSON
MARK E. GIAQUINTA
VICE CHAIRMAN
CHARLES B. REDD

David C. Long

DAVID C. LONG

PAUL M. BURNS

CONCURRED IN 10-25-88.

Sandra E. Kennedy
Sandra E. Kennedy
City Clerk

#356

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE

Zoning Ordinance Amendment

2-88-07-17

DEPARTMENT REQUESTING ORDINANCE

Land Use Management - CD&P

SYNOPSIS OF ORDINANCE

5809 Illinois Road

EFFECT OF PASSAGE

Property is presently zoned R-1 - Single Family Residential.

Property will become B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE

Property will remain R-1 - Single Family Residential District.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.))

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

From R-1 to B-1-B

DETAILS

Specific Location and/or Address 5809 Illinois Road
Reason for Project Construction of an auto parts sales & service store.
Discussion (Including relationship to other Council actions) <u>18 July 1988 - Public Hearing</u> Joe McGibbon, representing BSC, Inc., stated that they intend to construct a 17,600 sq ft retail service facility on this property is rezoned. He stated the facility will be serviced by City water and sewer. He stated they have seen the staff recommendations and will comply with them. He stated that the proposed use is consistent with the Illinois Road Corridor. Steve Smith asked what the nature of the business was. Mr. McGibbon stated it was an auto parts store. Mark Gensic questioned if he was familiar with the frontage road requirements. Mr. McGibbon stated that he was. Mr. Gensic questioned who owned the property immediately to the east of this lot. Mr. McGibbon stated it was owned by Maury O'Daniels, and it was currently a vacant lot.

POSITIONS

RECOMMENDATIONS

Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/Proponents	Applicant(s) Dwight L & Marilyn M Umber City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

25 July 1988 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, subject to the petitioner satisfying the following conditions:

1) Petitioner is to provide a recorded document in a form acceptable to the Commission's attorney, that provides for the following items:

a) Grant of a forty (40) foot wide ingress/egress easement along the front of the subject property, to be used as a frontage road.

b) Construction, and maintenance of such frontage road to applicable City Standards, when directed to do so by the City of Fort Wayne.

c) Any existing driveways shall be subject to review and closure, by the owner, at the discretion of the Traffic Engineering Department of the City of Fort Wayne.

d) Any obstruction to the frontage road including sight obstructions, shall be removed at the owners expense.

2) Petitioner is to provide a 30 foot landscape buffer along the south property line that meets the approval of the CD&P Landscape Architect.

POLICY/PROGRAM IMPACT

Policy or Program Change

☐

No

☐

Yes

Operational Impact Assessment

(This space for further discussion)

Motion carried.

Of the nine (9) members present, eight (8) voted in favor of the motion, one (1) did not vote.

NOTE: This request has been held until the petitioner could satisfy the conditions.

Project Start

Date 16 June 1988

Projected Completion or Occupancy

Date

Fact Sheet Prepared by

Patricia Biancaniello

Date 13 October 1988

Reviewed by

[Signature]

Date

Oct. 17, 1988

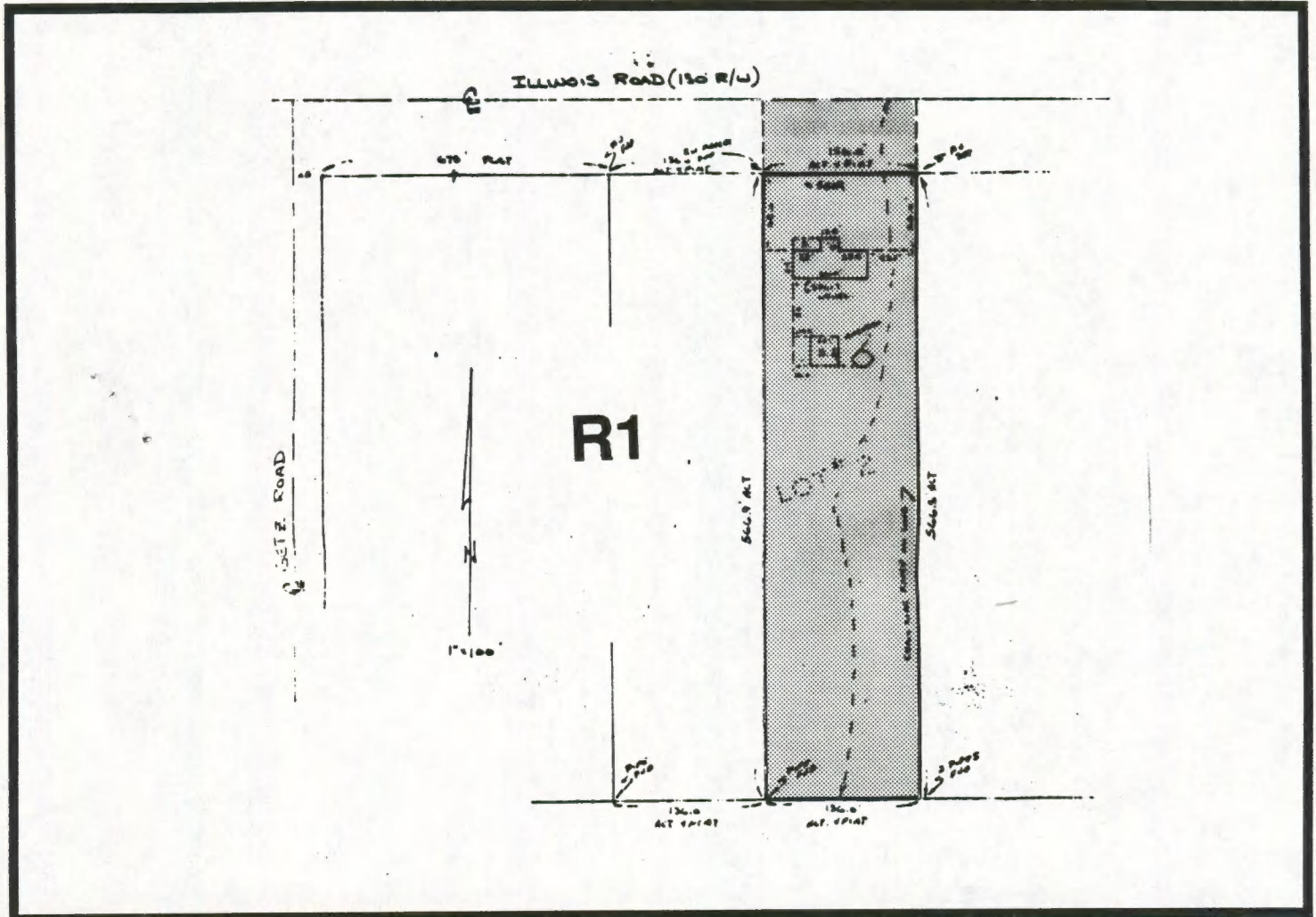
Reference or Case Number

REZONING PETITION #356

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R-1 DISTRICT TO A B1B DISTRICT.

MAP NO. E-2

COUNCILMANIC DISTRICT NO. 4



ZONING:

R1 SUBURBAN RESIDENTIAL

LAND USE:

☐ SINGLE FAMILY

SCALE: NTS

lw
DATE: 6-24-88

